<u>Remarks</u>:

Claims 1-3, 7-13, and 17-20 are pending in the current application and are rejected under 35 U.S.C. §102 and §103. Claims 9 and 17 are canceled. Claims 1, 7-8, 11, and 18-19 are amended. New claims 21-23 have been added. No new matter has been added. Support for the amendments and new claims is found within the claims, the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and continued examination are respectfully requested.

**§102 Rejection(s):**

The Examiner has rejected 1, 2, 11 and 12 as being anticipated by US Publication No. 2004/0166839 (Okkonen et al.). It is respectfully noted that anticipation of a claim under 35 U.S.C. §102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the … claim" and "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131.

Claim 1, as amended, recites a method for updating database records associated with configuration data stored in a mobile device in a mobile communication network. The method comprises determining if the configuration data stored in the mobile device has been modified by a user, by comparing new configuration data with old configuration data. When the new configuration data is different than that stored in the database, the configuration data is compared to a range of values, for determining whether the configuration data transmitted to the server is invalid. If the new configuration data is invalid, an alert signal is generated to notify at least one of a subscriber and a support representative.

Okkonen discloses a system for determining if a SIM card has been replaced in an electronic device connected to a communication network comprising a carrier network with a service coordinator. An agent in the electronic device detects the SIM Card change in the electronic device and it reports the changes to the service coordinator. Okkonen provides a solution to a situation when a user inserts his SIM card to a different mobile device. In such scenario, the database records are updated if two events take place: (1) replacement of the SIM

card is detected (i.e., the mobile device has been replaced), and (2) the user modified the configuration data of the new mobile device.

Okkonen fails to disclose a method for updating database records as recited in claim 1. More particularly, Okkonen fails to disclose (1) comparing the configuration data to a range of values, for determining whether the configuration data transmitted to the server is invalid, and (2) generating an alert signal to notify at least one of the subscriber or the technical support representative, in response to determining the configuration data is invalid.

Okkonen fails to disclose each and every element as set forth in Claim 1, as amended, in as complete detail as is contained in the claim or as required by the claim. Accordingly, it is respectfully requested that the rejection of Claim 1 under 35 U.S.C. § 102 be withdrawn. It is respectfully noted that Claim 2 depends on Claim 1, and if Claim 1 is allowable, Claim 2 is allowable by virtue of the dependence on Claim 1. Accordingly, Applicant respectfully requests the rejection of Claim 2 under §102 also be withdrawn.

Claims 11, as amended, substantially incorporates the elements of Claim 1. Therefore, for the same reasons as set forth above in regards to amended Claim 1, Claim 11 should be also in condition for allowance. It is respectfully noted that Claim 12 depends on Claim 11, and therefore should be allowable by virtue of the dependence on Claim 11. Accordingly, Applicant respectfully requests the rejection of Claim 12 under §102 also be withdrawn.

**§103 Rejection(s):**
Claims 3 and 13 are rejected under 35 U.S.C. § 103(a) as obvious over US Publication No. 2004/0166839 (Okkonen et al.) in view of US Publication No. 2005/0164692 (Roth et al.). Applicant respectfully suggests that by virtue of the amendments to Claims 1 and 11, upon which Claims 3 and 13 respectively depend, this rejection is overcome and is now rendered moot.

As discussed above, Okkonen fails to disclose each and every element of Claims 1 and 11. Roth does not disclose, teach, or suggest (1) comparing the configuration data to a range of values, for determining whether the configuration data transmitted to the server is invalid, and (2) generating an alert signal to notify at least one of the subscriber and the support

representative, in response to determining the configuration data is invalid. Thus, even if the two references can be combined, Roth fails to cure the deficiencies of Okkonen. Accordingly, Applicant respectfully requests the rejection of Claim 3 and 13 under § 103 be withdrawn.

Claims 7, 9, 17 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Publication No. 2004/0166839 (Okkonen et al.) in view of US Publication No. 2002/0107868 (Childs et al.).

Childs is directed to collecting reliability and maintenance (RAM) data for monitoring various industrial facilities (such as power plants, manufacturing plants), and more particularly, turbines operating a power plant (see paragraphs [0002], [0021]-[0022]). In the Office Action, Examiner has stated that Childs discloses validating the received data and transmitting an error message if the data is invalid, and that it would have been obvious to one having ordinary skill in the art to combine Okkonen and Childs to determine whether the configuration data transmitted to the server is invalid and generating an alert signal or a message when the configuration data is invalid.

Applicants respectfully traverse the Examiner's rejection. MPEP §2143 provides:

> "To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

There is no apparent motivation for combining both publications, Okkonen and Childs, as both references disclose systems with different purposes and goals. Okkonen relates to the field of mobile communications networks and determining a change of SIM card information. Childs relates to managing reliability and maintenance data for industrial facilities, particularly power plants operating with turbines. Here, the modification or combination proposed by the Examiner is not based on any clear and convincing evidence of a reason, suggestion, or motivation in the prior art that would have led one of ordinary skill in the art to combine the references. Rather,

the reason, suggestion and motivation for the combination of references proposed by the Examiner simply is impermissible hindsight reconstruction given the benefit of Appellant's disclosure.

**Since obviousness may not be established by hindsight reconstruction or conjecture, Applicant invites the Examiner to point out the alleged motivation to combine with specificity,[1] or alternatively provide a reference or affidavit in support thereof, pursuant to MPEP §2144.03.[2]** Respectfully, unless Examiner satisfies the above request, a prima facie case of obviousness cannot be established based on a mere allegation that the references can be combined.

Moreover, even if the two references can be combined, Childs fails to cure the deficiencies of Okkonen, as discussed above. Childs does not disclose, teach, or suggest comparing configuration data to a range of values for determining whether the configuration data transmitted to the server is invalid. Rather, Childs applies a complex sequence of business rules to data (see paragraph [0033]). Childs discloses a much more complex validating mechanism involving applying business rules to data using a rules table containing entry for each rule along with a description of that rule and a check flag table which contains an entry for the various types of checks to be performed by a rule.

Additionally, Childs does not disclose, teach or suggest generating an alert signal to notify the subscriber or the support representative, in response to determining the configuration data is invalid. Particularly, Childs only suggests sending an error message to a client and does not teach or suggest notifying a support center or technical support representative (see paragraph [0041]). Accordingly, Applicant respectfully requests the rejections under § 103 in view of Childs be withdrawn.

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1 *ACS Hospital Systems, Inc. v. Montefiore Hospital,* 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

2 "The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner."

Claims 8 and 18 are rejected as being unpatentable over Okkonen in view of Childs, and in further view of US Publication No. 2003/0208704 (Bartels et al.).

Bartels is directed to methods and systems for correcting bit errors during processing. In the Office Action, Examiner contends that it would have been obvious to modify Childs as suggested by Bartels to correct invalid data without user intervention. There is no apparent motivation for combining Childs and Bartles as both references disclose systems or methods with different purposes and goals. The goal of Bartles is creating a computing platform capable of recovering from transient multi-bit data failures within a run-time data memory array in a manner that is transparent to software applications executing on the computing platform, and more specifically, by correcting computational errors in a computer processor (see generally paragraphs [0021] – [0029]). Bartles is unrelated to the problem solved by either Okkonen or Childs.

Even if the above-noted references can be combined, Bartles fails to cure the deficiencies of Okkonen and Childs, as discussed above. Bartles does not disclose, teach, or suggest correcting the data in response to determining the configuration data is out of range. The method of Bartles involves obtaining two copies of data, and performing bit-by-bit comparisons to determine whether there is a multi-bit data fault in a processing lane of a processor, and uses error-correcting codes to determine which copy of the data was computed correctly (paragraph [0030]). Essentially, Bartles involves processing instructions in duplicate, and subsequently using a bit-by-bit comparison to apply a coding scheme to the two results to ensure a correct result is selected. Bartles does not compare data to a range of values, and does not automatically correct data in response to determining the data is out of range.

Furthermore, it is respectfully submitted that the cited references cannot be combined to teach the claimed invention. And, even if one is modified in accordance to the teaching of the other, the resultant modification would be an impractical or inoperable combination. It is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious, unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

For example, Childs discloses a complex validating mechanism involving applying rules to data and sending an error message to a client if the data is not validated. Modifying Childs in accordance with Bartles does not result in correcting the data if it is invalid. Bartles merely corrects internal processing errors and is unrelated and irrelevant to correcting the input or transmitted configuration data. There is no suggestion or motivation to modify or combine Childs and Bartles, and there is no reasonable expectation the resultant combination would be successful in light of the purpose and goals of the present invention. Accordingly, Applicant respectfully requests the rejections under § 103 in view of Bartles be withdrawn.

"In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993).

In light of the above mandate by the Federal Circuit and considering the intricate nature of the various technologies (wireless mobile networks, reliability and maintenance of power plant turbines, computer processing) used in each reference, a person reasonably skilled in the art would agree that each of the cited systems are mutually distinct, independently complex and cannot be easily modified to work with each other, contrary to what has been suggested by the Examiner.

Claims 10 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Publication No. 2004/0166839 (Okkonen et al.) in view of US Publication No. 2004/0042604 (Hiltunen et al.). Applicant respectfully suggests that by virtue of the amendments to Claims 1 and 11, upon which Claims 10 and 20 respectively depend, this rejection is overcome and is now rendered moot. As discussed above, Okkonen fails to disclose each and every element of Claims 1 and 11. Hiltunen does not cure the deficiencies of Okkonen. Accordingly, Applicant respectfully requests the rejection of Claim 10 and 20 under § 103 be withdrawn.
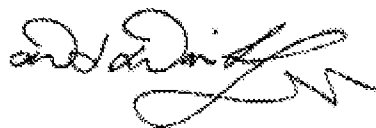
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**Conclusion:**

For the above reasons, the invention as recited in the amended Claims 1 and 11 is distinguishable over the references cited by the Examiner. Therefore Claims 1 and 11 should be in condition for allowance. Claims 2-3, 7-8, 10, and 22-23 are dependent on Claim 1; Claims 12-13 and 18-21 are dependent on Claim 11. Each set of dependent claims should also be in condition for allowance by the virtue of their dependence on allowable base claims.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number [310] 789 2100 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: January 17, 2008

By: _____
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